

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

IVAN BLACK #497061,,

Plaintiff,

Case No. 14-11038

Hon. Marianne O. Battani

v.

Magistrate Judge Patricia Morris

MICHIGAN DEPARTMENT OF
CORRECTIONS, SAGINAW
CORRECTIONAL FACILITY,
JESSE LOPEZ, and SUSAN
McCAULEY,

Defendants.

**OPINION AND ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION AND GRANTING DEFENDANTS' MOTION TO DISMISS**

Plaintiff Ivan Black filed this civil rights action, seeking relief under 42 U.S.C. § 1983, on March 9, 2014. On May 9, 2014, the Court referred this matter to Magistrate Judge Patricia T. Morris for all pretrial matters (Doc. No. 16). Defendants filed a motion to dismiss on July 10, 2014 (Doc. No. 24).

In her Report and Recommendation, dated November 25, 2014, Magistrate Judge Morris recommended that Defendants' motion be granted for several reasons. First, she concluded that the Michigan Department of Corrections and Saginaw Correctional Facility are immune from suit under the Eleventh Amendment. Second, the Magistrate Judge concluded that the claims against the individual defendants, Lopez and McCauley were barred by the statute of limitations. The Magistrate Judge informed the parties that objections to the Report and Recommendation must be filed within fourteen days of service

and that a party's failure to file objections would waive any further right of appeal. (Doc. No. 27 at 9). Because the docket did not include a proof of service on the Report and Recommendation, the Plaintiff subsequently was given until January 27, 2015, to file objections. (Doc. No. 28). In her Report and Recommendation, the Magistrate Judge instructed the parties that any objection "must be labeled as "Objection No. 1, " "Objection No. 2, " etc." and further that an "objection must recite precisely the provision of this Report and Recommendation to which it pertains."

On January 26, 2015, Plaintiff filed a letter asking the Court not to dismiss the case. Plaintiff's letter does not comport with the instructions regarding objections. Moreover, it does not address the Magistrate Judge's analysis, which the Courts finds thoroughly recounted the allegations and properly applied the governing law in reaching the recommendation to dismiss the complaint. Accordingly, the Court **ADOPTS** the Magistrate Judge's recommendations and **GRANTS** Defendants' Motion to Dismiss.

IT IS SO ORDERED.

Date: February 17, 2015

s/Marianne O. Battani
MARIANNE O. BATTANI
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Order was served upon counsel of record via the Court's ECF System to their respective email addresses or First Class U.S. mail to the non-ECF participants on February 17, 2015.

s/ Kay Doaks
Case Manager